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The EU work-life balance directive – will it be a game changer for family policy in Poland?

Dyrektywa o godzeniu ról zawodowych i rodzinnych – czy okaże się punktem zwrotnym dla polityki rodzinnej w Polsce?

Abstract

Introduction. Family is one of the most important values in human life, which is proved by the findings of various polls, reports, and research. However, its structure and models are subjects of constant changes which are connected with demographic, economic, and social developments of society. One of the most important factors of the transformation of family life models is the emancipation of women and men from their traditional gender roles. Women have crossed boundaries of gender stereotypes through their long-standing presence in the labour market, building their economic independence and performing gender-non-stereotyped jobs, which has been addressed in law at the European and national level. Emancipation of men from their stereotypical gender roles started later and is connected with men entering into family life and their stronger engagement in domestic

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and parental obligations and tasks. The symmetry between women's and men's emancipation is crucial for a better work-life balance in family life, and work-life balance is indicated as one of the most important factors of stability and good condition of the family. As such, work-life balance, and gender equity should be supported at the national level through legislation and other instruments of family policy, e.g., through education.

Aim. The main aim of the article is to analyse how the new legislative tool of gender equality in the labour market – The EU directive on work-life balance from 2019 - may influence changes in family policy in Poland and educational policy in this field. The analysis is focused mainly on family life models (the models of gender roles and domestic labour division) as a key factor directly connected with possibility of gaining work-life balance in the family.

Material and methods. The material used in the study were legislative documents on parental leave at the levels of the European Union and Poland: the EU work-life balance directives dating from 2010 (2010/18/EU) and 2019 (DIRECTIVE (EU) 2019/1158) as well as the EC proposal of the last one from 2017- COM (2017) 253 final, COD: 2017/0085, and the consolidated version of *Kodeks pracy* [the Labour Code], Dz. U. 1974 Nr 24 poz. 141, which was a source of respective provisions for Poland. The method used in the study was document analysis. Key provisions were extracted from chosen legislative acts and then analysed from a gender perspective, using as a reference gender equity theory. Individual vs. family character of the right to leave, its non-transferability vs. possibility of flexible transfer of leave between parents, high vs. low levels of payment and access to flexible working arrangements vs. fully engaging work, were used as a reference characteristics of the analysis.

Results. Document analysis used in the study showed that both the European Commission proposal of the work-life balance directive dated in 2017 as well as its final version from 2019 – have had provisions which may effectively support gender equity and enhances engagement of men in their role of fathers. All the traits of parental leave used in the key to analysis – individual right to leave, non-transferability, high level of payment, and flexible working arrangements - were present there. The previous version of the directive, dating from 2010, did not have appropriate solutions or they were not obligatory. The Polish legislative act, from which parental leave provisions were extracted – *Kodeks pracy* [the Labour Code] – proved to be even less gender equal. Leave in Poland turned out to be legally based on the mothers' entitlement to leave; it is also paid less than in the original European Commission's proposal and is fully transferable between parents.

Conclusion. Provisions of the EU work-life balance directive from 2019 are legislative instruments, which may enhance the process of emancipation of women in the labour market and emancipation of men in the family life. Implementation of the directive into national law in Poland is crucial for gender justice and the stability of the family, as other studies show that work-life balance and the engagement of men into domestic and parental obligations increases the probability of having a second child. Low TFR (Total Fertility Rate) and a decreasing number of marriages in Poland may be connected with wrongly addressed family policy, focused on supporting the traditional model of the family which is exercised by a decreasing percentage of families. Inadequacy of family policy is in line with a lack of education on connections between gender equality or gender equity and the stability of the family. In this respect, changing the national curriculum framework for Poland is an important challenge for the educational policy in the country. Complementing the content of the national curriculum framework and then school curriculum and handbooks, with gender perspective, may help to eradicate gender stereotypes which seem to be major obstacle in both women's and men's emancipation. Family needs gender equity

for its stability and higher number of children. This fact should be noted by policy makers to better address social policy towards family.

Keywords: work-life balance, work-life balance directive, parental leave, father's leave, gender equity theory, gender equality, educational policy.

Abstrakt

Wprowadzenie. Rodzina jest jedną z najważniejszych wartości w życiu człowieka, co potwierdzają kolejne sondaże, raporty i badania. Jednak, w wyniku zmian demograficznych, a także ekonomicznych i społecznych, struktura i preferowane modele życia rodzinnego także podlegają zmianom. Jednym z kluczowych czynników wpływających na te zmiany jest emancypacja kobiet i mężczyzn. Przekraczanie granic stereotypów płciowych od dawna ma miejsce w odniesieniu do kobiet, które wkroczyły w sferę publiczną i rynek pracy, stopniowo budując swoją niezależność ekonomiczną i podejmując się kolejnych zawodów i stanowisk, stereotypowo uznawanych za domenę mężczyzn. Te procesy są od dawna wspierane przez polityki równościowe i towarzyszące im prawo antydyskryminacyjne, które powstaje zarówno na poziomie Unii Europejskiej, jak i krajowym. Emancypacja mężczyzn z ich stereotypowych ról płciowych podąża za procesami emancypacji kobiet z pewnym opóźnieniem, i ujawnia się przede wszystkim we wkraczaniu mężczyzn w zarezerwowaną dotąd dla kobiet sferę życia rodzinnego, ich większym zaangażowaniu w czynności domowe i opiekuńcze, oraz zabieganiu o autonomię w realizacji rodzicielstwa (ojcostwa). Symetria pomiędzy emancypacją kobiet na rynku pracy oraz emancypacją mężczyzn w życiu rodzinnym jest kluczowa dla osiągnięcia równowagi praca-dom. Równowaga ta jest wskazywana jako jedna z najbardziej pożądaných wartości rodzinnych i zarazem istotny czynnik trwałości i potencjału rozwojowego rodziny. Z tego powodu, równowaga między życiem zawodowym i rodzinnym, podobnie jak leżące u jej podstaw równość kobiet i mężczyzn oraz sprawiedliwość płciowa, powinny być przedmiotem polityki państwa, realizowanej m.in. poprzez legislację i inne instrumenty polityk sektorowych, np. edukację.

Cele. Głównym celem pracy jest zbadanie, jak dyrektywa 2019/1158 o urlopach rodzicielskich - nowy instrument legislacyjny, którego celem jest poprawienie równości kobiet i mężczyzn na rynku pracy w Unii Europejskiej oraz wspieranie godzenia ról zawodowych i rodzinnych przez oboje rodziców - może wpłynąć na zmianę polityki rodzinnej i edukacyjnej w Polsce. Analiza dotyczy głównie jednego aspektu polityki rodzinnej - modelu życia rodzinnego (modelu podziału ról w rodzinie), jako czynnika bezpośrednio związanego z możliwościami osiągnięcia równowagi praca-dom.

Materiał i metody. Materiał badawczy w pracy stanowiły dokumenty legislacyjne z poziomu Unii Europejskiej oraz krajowego, dotyczące godzenia ról zawodowych i rodzinnych. Były to trzy dokumenty unijne, pokazujące w perspektywie historycznej, ewolucję przepisów o urlopach rodzicielskich i uprawnieniach pracowniczych osób będących rodzicami, oraz jeden polski dokument prawny zawierający odpowiednie przepisy na poziomie prawa krajowego: dyrektywa dotycząca porozumienia partnerów społecznych na temat standardu urlopów rodzicielskich z 2010 roku (2010/18/EU); projekt nowej dyrektywy w tym obszarze, zaproponowany przez Komisję Europejską Europarlamentowi i Radzie w 2017 roku COM (2017) 253 final, COD: 2017/0085); ostateczna wersja (obowiązująca) dyrektywy o godzeniu ról, z 2019 roku (DIRECTIVE (EU) 2019/1158) oraz artykuły 180-186 z Kodeksu pracy, Dz. U. 1974 Nr 24 poz. 141 z późniejszymi zmianami, wersja ujednolicona.

Jako metodę badawczą zastosowano analizę dokumentu stosując własny klucz, skonstruowany na podstawie badań literatury przedmiotu. Z badanych dokumentów wyodrębniono

treści głównych przepisów dotyczących zasad udzielania urlopów rodzicielskich, a następnie analizowano je z perspektywy teorii sprawiedliwości płci, badając ich znaczenie dla podziału ról w rodzinie. Przyjęto następujące cechy urlopów jako referencyjne: indywidualny vs. familiarny charakter uprawnienia urlopowego, przenaszalność urlopu pomiędzy rodzicami, poziom płatności za urlop i dostęp do elastycznej organizacji czasu pracy rodziców.

Wyniki. Analiza dokumentów wykazała, że nowa dyrektywa, zarówno w wersji zaproponowanej przez Komisję Europejską, jak i obowiązującej - sprzyja partnerskiemu modelowi podziału ról w rodzinie. Starsza wersja dyrektywy, z 2010 roku wprowadzała 4 miesiące indywidualnego prawa do urlopu dla każdego z rodziców i nie wymagała, aby był on płatny. Pozwalała też na przenaszalność większej części urlopu, co czyniło ją nieefektywną jako narzędzie wspierające równowagę praca-dom. Natomiast obowiązujące w Polsce przepisy Kodeksu pracy, ze względu na swoją treść, mają charakter rodzinny, wspierający stereotypowy podział ról w rodzinie. Urlop ten jest osadzony na uprawnieniach matki, nie dając ojcom rodzicielskiej autonomii. Jest też niżej płatny niż w propozycji Komisji Europejskiej (60% wobec proponowanego przez KE poziomu urlopu chorobowego – w Polsce byłoby to 80% pensji) i całkowicie przenaszalny. Nie ma w nim nawet małej części dedykowanej tylko ojcom, co, w połączeniu z pozostałymi cechami urlopu, skutkuje bardzo niskim odsetkiem wybieralności urlopu w przez ojców.

Podsumowanie. Przepisy Unii Europejskiej zaproponowane w dyrektywie o godzeniu ról rodzicielskich w 2019 roku zawierają instrumenty prawne, mogące wzmocnić pozycję kobiet na rynku pracy oraz ojców w ich rolach rodzicielskich. Implementacja dyrektywy do prawa krajowego w Polsce jest kluczowa dla zwiększenia równości kobiet i mężczyzn w życiu rodzinnym oraz osiągnięciu większej równowagi pomiędzy życiem rodzinnym a zawodowym obojga rodziców. Jak wykazały inne badania, większe zaangażowanie ojców w opiekę nad dziećmi i prace domowe sprzyja decyzjom kobiet o urodzeniu kolejnego dziecka, pozytywnie wpływa na trwałość rodziny i jej szanse rozwoju. Obserwowane w Polsce od kilkadziesiąt lat trendy demograficzne, bardzo niska dzietność, malejąca liczba zawieranych małżeństw i rosnąca liczba rozwodów mogą być efektem nieadekwatnie zaadresowanej polityki rodzinnej. Odejście od familializacji polityki rodzinnej na rzecz zwiększenia równowagi pomiędzy zaangażowaniem kobiet i mężczyzn w obowiązki domowe i rodzicielskie mogłyby pozytywnie wpłynąć na kondycję rodziny, jej trwałość i szanse rozwoju. Familializm w polityce rodzinnej jest spójny z przekazem polityki edukacyjnej, gdzie w badaniach podstawy programowej, zarówno obecnej, jak i poprzednich, wielokrotnie wskazywano na brak edukacji równościowej, służącej zbalansowanemu modelowi podziału ról w rodzinie. Wprowadzenie perspektywy równości kobiet i mężczyzn do treści podstawy programowej, włączenie jej do treści wszystkich przedmiotów, ze szczególnym uwzględnieniem wychowania do życia w rodzinie, historii, wiedzy o społeczeństwie, biologii i języka polskiego, jest istotnym wyzwaniem wynikającym z zadań związanych z transpozycją dyrektywy *work-life balance*. System edukacji powinien podjąć się zadania zwalczania stereotypów płciowych, gdyż hamują one emancypację kobiet i mężczyzn i utrudniają osiągnięcie równowagi praca-dom w rodzinach. Ten fakt powinien być zauważony przez decydentów odpowiedzialnych za polityki sektorowe w obszarze rodziny i edukacji, aby bardziej adekwatnie zaadresować instrumenty wsparcia rodziny.

Słowa kluczowe: równowaga życia zawodowego i rodzinnego, równowaga praca-dom, dyrektywa *work-life balance*, urlop rodzicielski, urlop ojcowski, teoria sprawiedliwości płci, równość kobiet i mężczyzn, polityka rodzinna, polityka edukacyjna.

Introduction

Family is one of the most important values in people's life, which is proved by the findings of various polls, reports, and research. Particularly in Poland, the position of the family in the hierarchy of values has for many years been kept at a very high level (Beisert, 2006). However, its structure and models are subjects of constant changes which are connected with demographic, economic, and social changes of society. Popular in the past, big, multi-generation, and multi-child families, heterosexual, and based on traditional gender roles, has gradually has been transforming into atomic, small, one-generation, and first of all – various in their forms and other characteristics.

In this study, we will focus on one of the most important factors of family transformation - the emancipation of women and men from their traditional gender roles. Women have crossed boundaries of gender stereotypes through a long-standing presence in the labour market, building their economic independence and performing gender-non-stereotyped jobs and positions. Challenges for gender equality in the labour market, however they still exist, have been addressed in law at the European Union and at the national levels over recent decades. Emancipation of men from their stereotypical gender roles has started later and is connected with them entering into family life - stronger engagement in domestic and parental obligations and tasks (Suwada, 2017a, 2021). These two processes should be connected vessels, going together - otherwise families face a lack of gender balance, which may lead to tensions and even crisis in the family. In practice, challenges of women's discrimination are seldom discussed together with, and in the context of, challenges of discrimination of men.

The symmetry between women's and men's emancipation is crucial for a better work-life balance in the family, and the work-life balance is indicated as one of the most important factors for its stability and good condition. As such, work-life balance, and gender equity should be supported at the national level through legislation and other instruments of the family and educational policies. The postulate of degenderisation of family policy in Poland and possible positive results of such a decision for the family condition was demonstrated and justified by, among others, Dorota Szelewa, in 2017-1019 European Parliament's expert on work-life balance directive (Szelewa, 2014) and Anna Kurowska et al. (2016).

The demographic situation of Poland – family in crisis

Poland is a country with one of the world's lowest fertility rates – according to data from the *World Bank*, for the last 20 years the value of TFR (Total Fertility Rate) in Poland has ranged from 1.37 in 1999 to 1.42 in 2019. In 2003 TFR reached its lowest

value in history – 1.22 (*World Bank*, n.d.). All these figures are a long way below 2.15, which is a minimum level for a simple replacement of generations.

Low TFR in Poland is correlated with a decreasing number of marriages (57.7 thousand in 2008 vs. 14.5 thousand in 2020 (Sas, 2021a) and an increasing number of divorces 65.3/1000 in 2019 vs. 42/1000 in 1999 (Sas, 2021b), which confirms a thesis that children tend to be born more often in formalised relationships. However, for the last 30 years one may observe a growing number of children being born out of wedlock: in 2021 it was 25% (*Every Fourth Child Born out of Wedlock in Poland*, 2021), in comparison to 7% in 1991 (Wilczek, 2021). It means that the reduction of number of children in families goes along with the liberalisation of forms of relationships between parents.

Family models of division of labour in the family and work-life balance

Transformation of family in Poland, in respect of ways of division of family obligations, is regularly monitored and reported by CBOS polls (CBOS, 2019, 2020). In 2012, almost half of Poles polled indicated a preference for a partnership model in which both the parents work professionally and both, symmetrically, are engaged in domestic tasks and caring for children. Comparing to previous polls, it showed a tendency to a less traditional and a more balanced way of sharing family obligations (Boguszewski, 2015).

For the purpose of this study, we used the following classification of family models of division of work:

- *traditional* – hierarchical, based on the man’s dominance, with the father fully and exclusively engaged in paid work (called then the “father of the family” or “breadwinner”), and a non-working mother responsible for (unpaid) domestic works and caring for children;
- *partnership* – based on gender equity and equality, with both parents working professionally and both symmetrically engaged in domestic and parental responsibilities;
- *mixed* – based on man dominance, with both parents engaged in professional work and childcare but in unequal proportions: the man is the primary breadwinner and woman the primary caregiver. The man’s work in this model is usually better paid, perceived as more important, and more demanding in respect of time (he is ready to “help” her at home if he has time). Women are traditionally responsible for children, but they also work, sometimes part-time, sometimes in less demanding jobs, with more predictable schedules. Their work is often lower paid than man’s and perceived as “less important”. This model is sometimes referred to by the more adequate term: “double burden”;

- *inverted* - hierarchical, based on woman's domination, with mother fully engaged in paid work and a non-working father responsible for (unpaid) domestic works and caring for children.

Professional work and family responsibilities are in a strong conflict. When parents are at work, they are not with their children (they neglect their children to get their job done), and when they care for children, they are not at work (they neglect work for the family). Because of gender stereotypes, this conflict is experienced mainly by women. The root cause is the phenomenon of androcentrism in our culture and the androcentric organisation of the labour market (Bem & Pikiel, 2000). Caregiving is stereotypically perceived as the primary responsibility of women, whereas professional work often is a necessity. In cases of caring needs, women are expected to give up their professional work to do their first obligations – caring for children. Prioritising work by women is perceived negatively as being “egoistic”, or “career-oriented”, which is not the case with men prioritising their career over the family. Moreover, the unpaid character of work done by women for the family is perceived as a part of the “natural order”. As authors of research on unpaid work of women have noted, “This view on the family as a natural place of woman's activity and life is surprisingly resilient for the dozens of years of gender equality policy” (Titkow, Duch-Krzyszczek, & Budrowska, 2004, p. 23).

Both in the traditional, and the so-called mixed models, women are expected “to sacrifice” their career and professional development for the family. This word – “sacrifice” – best illustrates that such a model is unequal and unjust. Gender inequality inside the family is one of the root causes of family crisis. Women who experienced inequality and the double burden model of family life with the first child, are less willing than women who experienced the balanced model of sharing family responsibilities and were supported by their partners, to have another one (Szelewa, 2014).

Research aim

The main aim of the article is to analyse how the new legislative tool of gender equality in the labour market – The EU directive on work-life balance from 2019 - may influence changes in family policy in Poland and educational policy in this field. The analysis is focused mainly on family life models (the models of gender roles and domestic labour division) as a key factor directly connected with possibility of gaining work-life balance in the family.

Material and methods

Material used in the study were legislative documents on parental leave at the levels of the European Union and Poland:

- the EU work-life balance directive dated on 2010 (European Council, n.d.);
- the European Commission proposal of the directive on work-life balance from 2017 (European Commission, 2017);
- the EU work-life balance directive dating from 2019 (European Parliament and the Council, 2019), and
- the Labour Code (consolidated version), which was a source of respective provisions for Poland (*Kodeks pracy*, 1974).

Chosen documents were first read to extract main provisions on parental leave, as well as the main arguments of the legislative acts' initiators, which were described in justification for each act while submitting them to the Parliament. The extracted content was then analysed from a gender perspective, using gender equity theory as a reference.

A key for analysis was constructed on the basis of research on the role of parental leave in an effective family policy. As was demonstrated in the literature of subject, to achieve gender balance and justice, rights to leave should be individual (Adema et al., 2017; De La Porte, Larsen, & Szelewa, 2020; Szelewa, 2014). Each parent should have their own right to parental leave, based on his or her own employment entitlements. When the leave is dedicated for mothers, based on mother's entitlement to leave, fathers are less willing to take them than in the situation that the leave is dedicated especially and exclusively for fathers (and adequately labelled as fathers leave, or paternity leave).

Research also showed that take up of parental leave by fathers is strongly connected with payment. Fathers are not willing to take unpaid or low-paid leave for caring for children (Szelewa, 2014). They are usually the primary earners in the family and this (economic) argument seems to be important for a decision on which parent, mother or father, will take the leave. The last trait used in analysis is access to flexible working arrangements. Engaging jobs, demanding full day availability, unpredictable, and precarious in character are irreconcilable with caring obligations.

Table 1
Two models of parental leave – a key for content analysis.

Characteristics of leave	Parent-oriented model	Family-oriented model
Character of the entitlement to leave	Individual (based on individual entitlement of each parent as a worker)	Family (based mother's entitlement to leave)
Possibility of transferring the leave between parents	Non-transferable	transferable
Payment	Highly paid	Non-paid or low-paid (based on unpaid work of mother)
Possibility of flexible working arrangements	Available for both parents	Non available or available for one parent

Source: Own research.

Results

Work life balance directive

The Work-life balance directive released in 2019 and earlier proposed for the European Parliament in 2017, was prepared by two commissioners of that time: Marianne Thyssen, responsible for the EU labour market, and Vera Jourova, responsible, among other things, for gender equality. The main purpose of the directive was to improve women's position in the labour market, through providing incentives for men to engage more in caring for children. The expected effect was a higher symmetry in the engagement of women and men into domestic and parental works and a better work-life balance for both parents (European Commission, 2017).

As a justification, the European Commission reminded that labour market discriminates against women, but particularly women who have children - mothers. All the cases of gender-based discrimination in the labour market, such as the employment gap, gender pay and pension gaps, the glass ceiling, and sectoral segregation – affect women who are mothers more seriously. In 2015, in the EU, the average employment rate of women with one child under 6 years of age was 8.8 percentage points lower than that of women without young children – but in some countries this gap reached over 20, over 30 or even over 40 percentage points (in Greece, Hungary and Slovakia, and the Czech Republic, respectively) (European Commission, 2017b). The more children they have, the more they are discriminated against. E.g., the employment gap between mothers and fathers increases along with the number of children. Mothers are paid less per hour than fathers, but also less than a single man or a single woman. Fathers are paid more than mothers, but also more than single men, single women, or mothers. This phenomenon

is called the “motherhood penalty and fatherhood bonus”, as women who are mothers are punished because of being a parent, whereas fathers are rewarded for the same thing. This phenomenon shows how discrimination of women in the labour market is connected with being a mother. The “motherhood penalty” needs an intervention from the level of state anti-discriminatory policy, which would use measures of reducing the tensions between work and family life experienced by mothers.

The proposal of the European Commission was designed in a way which was expected to heal the situation on several levels. First, the EC wanted to equalize legislative differences between female and male workers in the field of parental leave. In most European countries, parental leave take up is exercised mainly by women. One of the causes of this disproportion is the legislative construction of leave, which is addressed to mothers rather than to fathers. In effect, women who are mothers, or may be in future, are perceived as “risky” workers for the employers. The Commission wanted both parents to have exactly the same rights in this field, to change the perception of female and male employees who are parents.

The second purpose of the directive was to give parents a right to flexible working arrangements during the child’s first years of life. Such provision was expected to cope with the precarious conditions of work, when the unpredictability of the schedule or a lot of worktime spent outside of the home makes a work-life balance practically impossible to achieve. Decent organisation of work for parents seemed to be an important condition for assuring a work-life balance.

The third purpose was to engage fathers in caring for children shortly after the child was born, at the most critical moment for the family, when the health state of the new-born and his or her mother most needed support.

To meet these purposes, the EU Commission proposed:

- the individual right of each parent to 4 months of non-transferable and paid parental leave, which might be taken up by the time the child is 8 years old;
- the right of each parent to flexible working arrangements, up to the time the child is 8 years old;
- 5 days of paid carer’s leave, for caring for an adult member of the family (European Commission, 2017).

“Non-transferable” leave meant, that the mother can’t transfer “her” months to the father, nor the father “his” months to the mother. “Paid”, according to the Commission’s first proposal, meant at least at sick-pay level – so the same level as in the maternity leave directive, which was implemented in 1992 and created the minimum standard for maternity leave for the whole EU (European Council, 1992).

The Directive from 2019 repealed similar a document from 2010, which, despite being also on parental leaves, had a different status. It contained a proposal of a stand-

ard for parental leave, which was agreed by international social partners: Business Europe, the European Association of Craft, Small, and Medium-sized Enterprises (UAPME) – a member of European Economic and Social Committee, Central Europe Energy Partners (CEEP) and the European Trade Union Confederation (ETUC). Although this agreement was published as an EU directive, provisions from 2010 were not obligatory for members states. It is why the European Commission proposed new regulation – a regular directive on parental leaves.

As a result of a trilogue of negotiations between the European Parliament, the European Commission and the Council (European Parliament Think Tank, n.d.) – the proposal from 2017 “lost teeth”. Especially, the Council opposed the non-transferability and the obligatory, high-level of payment of the leaves. Finally, all the parties agreed to the following proposal:

- The individual right of each parent to 4 months of parental leave, which might be taken before the child is 8 years old;
- At least 2 months of each leave will be non-transferable and paid;
- The level of payment will be established by EU member states;
- The leave may be taken by the time the child is 8 years old;
- Parents will have right to motion for flexible working arrangements
- At least 5 days of carer’s leave, paid or not – decision of member states
- 10 working days of paternity leave, paid at the level of sick leave of higher, taken during the first month of the child’s life.

The comparison of key provisions from three work-life balance legislative documents are summed up in the Table 2.

Table 2

Comparison of Work-life balances directive from 2010 with the European Commission's proposal from 2017 and the final version of the proposal – Work life balance Directive from 2019.

	Directive 2010	EC Proposal 2017	Directive 2019
	Parental leave		
Right to parental leave	Individual right for each parent to 4-months leave	Individual right for each parent to 4-months leave	Individual right for each parent to 4-months leave
Non-transferability	At least 1 month	At least 4 months	At least 2 months
Level of payment	Not referred	At least sick pay level	Decision of member states
Flexibility of take up	8 years	8 years	8 years
Flexible working arrangements	Not referred	Right to request	Right to request
	Paternity leave (Fathers' leave)		
Father's leave (paternity leave)	At least 10 days	At least 10 days	At least 10 days
	Carer's leave		
Length	At least 5 days	At least 5 days	At least 5 days
Payment	Not paid	paid	Decision of member states

Source: European Council, n.d.; European Commission, 2017; European Parliament and the Council, 2019; own research.

Parental leave in Poland

Parental leave in Poland was proposed by the government (Civic Platform and Polish People's Party) in 2013 and has been modified several times. It starts after maternity leave. According to art 182^{1a} of *Kodeks pracy*, parental leave lasts 32 weeks (8 months) and is assigned to the family. It should start directly after maternity leave, but part of it may be taken by the time the child is 6 years old.

Maternity leave in Poland is paid at the level of 100% of salary, but parental leave – only 60%. However, if parents report in advance their will to take the whole maternity and parental leave without breaks one after another, for 1 year, it is possible to receive an average value of payment - 80% of salary during both maternity and parental leave.

Table 3 shows the main provisions of Polish *Kodeks pracy* on parental leave, in comparison to the EU former and the current document on that subject.

Table 3

The European Union and Polish legislative documents on parental leaves by key characteristics of leave selected for analysis.

	Directive 2010	EC Proposal 2017	Directive 2019	Kodeks pracy
Individual character of the right to parental leave	yes	yes	yes	no
Non-transferability	At least 1 month	At least 4 months	At least 2 months	no
Level of payment	Not referred	At least sick level	Decision of member states	60%
Time for take up	8 years	8 years	8 years	6 years
Flexible working arrangements	Not referred	Right to request	Right to request	no

Source: European Council, n.d.; European Commission, 2017; European Parliament and the Council, 2019; *Kodeks pracy*, 1974; own research.

Document analysis used in the study showed that both the proposal, and the eventual version, of the Work-life balance directive dated 2019, has got all the key traits which support gender equity in the family. Both documents enhance the engagement of men in their role of fathers and then improve the chances for the work-life balance for both parents. The previous version of the current directive – the directive from 2010, which also gave the individual right to 4-months leave for each parent, required only 1 month to be non-transferable between mother and father. It also didn't demand payment for the leave and generally had the status of recommendations, not hard law.

The Polish legislative act – *Kodeks pracy* – proved to be even less equal. It is fully transferable, which is justified by the family right to an autonomous decision on sharing parental responsibilities. In effect, take-up of parental leaves by fathers in Poland is at the level of 2%. It is also paid at a lower level than was proposed by the European Commission (sick pay level in Poland means 80% of salary whereas parental leave is paid at the level of 60%) and is based on the mother's entitlement to leave (see par. 80-86 of the *Kodeks pracy*). The last fact shows direct legislative discrimination of men, an example of violating the rule of gender equality in the parental rights of men.

Will the Work-life balance directive be a game changer for of family policy in Poland? The analysis done in the article shows that there are serious legislative discrepancies between the European proposal and national law in Poland. The main difference lies not in the length of the leave, but in the family-oriented character of the law,

which is an obstacle for a balanced, symmetric model of family life, in which both parents are equally engaged in both the professional work and family obligations. The Legislative construction of parental leave in Poland favours mothers and is exclusionary for fathers. Family policy constructed in such a way also ignores the cultural transformation of the family and the emergence of a “new man” – a man who breaks patriarchal rules and gender stereotypes (Fuszara 2008; Suwada 2017b). Research shows that men would prefer to spend more time with their families if they were allowed by the working arrangements of their jobs. Both women and men have needs of having both professional and family lives and they have rights to have them. It is why work-life balance is one of the most important values declared by contemporary parents (De La Porte et al., 2020; Kotowska-Wójcik & Luty-Michalak, 2018, 2019).

Work life balance is perceived as one of the most important values in family life and the new directive creates a legislative space for it. From the perspective of the familialised and genderised character of family policy in Poland (Hryciuk, Korolczuk, 2015; Kurowska et al., 2016), the most important trait of the new legislation, which has to be implemented in member states by 2022, is the individual character of parental leave for each parent and, in consequence, non transferability of a big part of it. The autonomy of fathers in Poland in their entitlements to parental leave, which at that moment, are based on mother’s rights, is crucial for men’s emancipation in their paternal roles. Current construction of parental leave legislation indicates that fathers take leave to discharge mothers, who are the first and – as it might be heard in parliamentary discussions on that topic –the “natural” carers.

A genderised construction of parental leave law is compatible with the phenomenon of gender blindness in the system of education. Research done on the national curriculum framework and handbooks, proved that in every studied subject – history, literature, political and social studies, and biology - gender roles of women and men are defined in a stereotyped way, and the only, or dominant, family life model shown in the handbooks is the traditional one or a “mixed” one (Chmura-Rutkowska, 2019; Chmura-Rutkowska et al., 2016a, 2016b, 2016c; Łaciak & Druciarek, 2018; Pankowska, 2015). Boys are deprived of education on fatherhood understood in other than a stereotypical way. In research of Łukasz P. Ratajczak (2016) on adolescent fathers, interviewed boys reported their permanent stress because of a lack of money and their belief that it is the first obligation of them as a father - to provide financial resources for the child. Most of them gave up education to start work demanding low-level skills, typically low paid, precarious, and without prospects. They didn’t have parental rights to their child because of their age, didn’t live together with the mother of their child, and the decision to leave school resulted in long-lasting poverty. Most of them, after reaching maturity, didn’t marry the mother of their child (Ratajczak, 2016). Their lives could have gone in a different direction if they understood their roles as fathers in a different way.

Gender stereotypes and their reproduction in the system of education were referred to in a series of publications (Chmura-Rutkowska, 2019; Chomczyńska-Rubacha, 2004, 2011), as well as gender roles in culture and education (Chomczyńska-Rubacha, 2008; Pankowska, 2005, 2015). Regardless this fact, in the education system both in the national curriculum framework, as well as in the school programs and handbooks, topics such as: gender justice, variability of family models, and work life balance, are absent. There are also no requirements for ministerial reviews of school handbooks, which have to be authorised and approved by Ministry of Education, to use human rights, including gender equality, as a reference value in the reviews.

Implementation of the work-life balance directive will give the opportunity to revise and degenderize family policy in Poland, as was recommended in above mentioned works. A consequence of that should be a revision of the national curriculum framework, as well as university programs for teachers' education, to break the vicious cycle of systemic blindness for gender equality in social and educational policies.

Conclusion

Provisions of the EU work life balance directive from 2019 are legislative instruments which may enhance the process of emancipation of women in the labour market and the emancipation of men in the family life. Implementation of the directive into national law in Poland is crucial for the stability of family, as other studies show that work-life balance and the engagement of men in domestic and parental obligations improve the probability for women of having more children. Low RTF and a decreasing number of marriages in Poland may be connected with wrongly addressed family policy, focused on supporting the traditional model of the family which is exercised by a decreasing percentage of families. Inadequacy of family policy stays in line with a lack of education on connections between gender equity or equality, and the stability of the family. In this respect, revision of the core curriculum is an important challenge for educational policy in the country. Complementing of the content of the national curriculum framework and then – school curriculum and handbooks - with gender perspective, may help to eradicate gender stereotypes, which are major obstacles for both women's and men's emancipation. The family needs gender equity for better stability and a higher fertility rate. This fact should be noted by policy makers, to address social policy towards family in more adequate way.

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